

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SA-14-CR-0926-RCL

VASCULAR SOLUTIONS (1),
HOWARD ROOT (2),
Defendants.

NOTICE OF INTENT TO USE BUSINESS RECORDS

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas, and files this Notice of Intent informing the Court, and all parties involved, of the Government's intent to introduce into evidence business records, at the trial of the above-named Defendants, via Self-Proving Affidavits, and would respectfully show the Court the following:

Pursuant to Fed.R.Evid.Rule 803(6), it is the Government's intention to introduce into evidence business records obtained pursuant to subpoenas issued by the Government. Among the records that will be introduced are, but not limited to, business records from Anthem Insurance Companies, Inc. These records were kept by an employee for the company listed in his or her regular conducted course of business activity.

Pursuant to Fed.R.Evid.Rule 902(11), the records will be introduced via a Self-Proving Affidavit from the Custodian of Record and/or an employee of that

company having produced, maintained and/or kept the records in his or her regular course of business and in his or her capacity as an employee of that company. A copy of the affidavits will be made available to the defense.

Dated: January 29, 2016

Respectfully submitted,

RICHARD L. DURBIN, JR.
United States Attorney

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CERTIFICATE OF SERVICE

I certify that a copy of this pleading was served on defense counsel with the filing of it via the ECF maintained by the United States Clerk on this 29th day of January, 2016.

/s/
Charles J. Biro
Trial Attorney